

**Fax Transmission**

**To :- John Donovan Shell News**

**From Mr Ray Fox**

**Re Submission to the European Parliament Petition**

**Hello John**

**Please find the attached petition 17 Pages that was the main document the remaining Vic was referring to was evidences .you will note some 13 months have passed by and Im still waiting for progress see last letter from them**

**Regards Ray**

**Date 01 DECEMBER 2008**

**No Of Pages 19 in total including this page**

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

1

**Submission to the President of European Parliament**  
**Mr Hans- Gert Poettering, European Parliament,**  
**Brussels 1047**

On behalf of

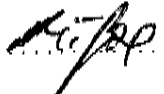
**MR FOX**

**ADDENDDUM**  
**DATED 16<sup>th</sup> July 2007**

**SUBMISSION BY**  
**Complaint No. 2001/4466 UK**

1

Mr.R.J.Fox. Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

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Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

2

**ADDENDUM**  
**DATED 16<sup>th</sup> July 2007**

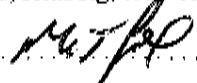
**First page for EU Commission: Complaint No. 2001/4466 UK**

1. Mr Fox resides at GFF 15 Field Road, Reading, Berks RG1 6AP, UK, and submits this Addendum as an EU subject to this further submission from the decision of the Commissioners dated 4<sup>th</sup> August 2004 and the decision of 15<sup>th</sup> December 2005. See Appendix.1. pages 1 & 2.
2. The Submission is registered in the general register as Complaint No. 2001/4466 dated 2001 to the European Parliament and referred by Dr Carolin Lucas MEP to the Chairman of the Committee to the European Commissioners in which it was decided to conduct a preliminary investigation.
3. Mr Fox is a 'person aggrieved' of an injustice done to him by the UK and under Article 17 (ex. Article 8) of this Treaty is an individual holding nationality of the UK a Member State and a citizen of the European Community. It was by a 'legitimate expectation' to enjoy the rights and protections as conferred by Article 2 of this Treaty and subject to Article 5 (ex Article 3b) the duties imposed thereby. By Article 21 every citizen shall have the right to petition parliament in accordance to Article 194 of the Treaty.
4. Mr Fox requested the consent of the Attorney General as a 'person aggrieved' pursuant to s.3(1)(a) of the Nuclear Material Offences Act 1983 (NMOA1983) of an act knowingly committed in the full knowledge that it would cause unnecessary injury to persons and the environment and for permission to instigate proceedings. Mr Fox received an acknowledgment but not granted permission to proceed.
5. This act on the part of Shell/BP UK Oil Company at Earley Rise, Wokingham Road, Reading, was deliberate, mischievous and wilfully. By their actions causing injury by reckless conduct in releasing 'illegal nuclear and chemical waste' causing 'ionising radiations', placing Mr Fox and his family and others in danger and causing undue distress and anxiety and damage to the Fox family/property under s.1 of NMOA1983.
6. Unknown to Mr Fox the levels of radioactive material satisfies the criteria as set out under s. 6 NMOA1983. NUCLEAR OFFENCES – s. 6 of NMOA1983 implements the Convention Article 1 on the Physical Protection of Nuclear Material 1980 (Cmnd. 8112) and thereby requires an immediate remedy Article 288 of the Treaty pursuant to the Nuclear Installations Act 1965/1969 and by the Paris and Vienna conventions within the jurisdiction under the Brussels convention.
7. The matters raised in the Complaint outlined the injuries sustained to Mr Fox and his family (including 3 minors, death of third ) and damage to their property. The interests of the family and there business were seriously affected as affirmed by the decision of the Commissioners to an infringement under Article 53 of the Basic Safety Standards Directive 96/29/Euratom in the failure of the UK to enforce the protection to be

2

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Signature .....



Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

3

afforded to all EU citizens from "ionising radiations". The evidence submitted affirms a continual infringement of the Treaty by the UK Government and its Court of last instance to fulfill an obligation regarding the right of an Individual by "certiorari in aid of habeas corpus" and to a referral under Article 234 (ex 177) "of the environment" to the ECJ being in conflict with community law. Mr Fox requires a decision of the EU Parliament under Articles 226 (ex 169) and 227 (ex 170) to a remedy Articles 100 (ex. Article 103a) and 235 (ex. Article 178) relating to Article 288 (ex. Article 215) upon the forgoing:

- (a) Upon the above, Case No. 26/62, Van Gend and Loos. [1963] E.C.R. 1. regarding the interpretation of the Treaty upon a legal obligation imposed upon Member States and upon the Institutions of the community to act under international law. Many provisions of the Treaty, and of Community legislation, now have direct effect, according to criteria developed in the case law; and thereby confer rights and impose obligations, which are directly enforceable in the national courts. These are rights, which "national courts must protect".
8. Upon the failure of the UK courts and the statutory bodies to implement the requirement to protect the consumer/public against environmental contamination Mr Fox requires the Community subject to Article 5 (ex Article 3b) to act within its powers conferred on it by this Treaty and its objectives assigned to it therein, and Subject to Article 6 (ex Article 3c) Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3.
9. Mr Fox referred a Complaint to Dr Carolin Lucas MEP the UK representative member for the South-East of England, for submission of relevant papers to the Commissioners in the exercise of her powers conferred by Article 189 & 190 of the Treaty. This Addendum is to present to the President to EU Parliament for the UK indefinable necessary action not afforded to Mr Fox and his family for the injuries sustained and damage to their property and for the protection against 'ionising radiations' required for consumers/EU citizens that has not been the UK's paramount consideration under the Treaty.
10. The instigation of reports by the Royal & Sun Alliance Insurance Group and BBC Radio 4 program 'the Bunker' were necessary in the determination of contamination to the Fox family home of 337 Wokingham Road, Earley, Reading, RG6 7EB, being adjacent to the Shell Nuclear facility by;
- (i) Dr Kartar Badsha of the Enviro., Consultants & Analysts, Southport. and Dr Chris Busby of Green Audit "Scientific Secretary of the European Committee on Radiation Risk" in Brussels, and a member of the "International Society for Environmental Epidemiology", and a member of the UK "Ministry of Defence Oversight Committee on Depleted Uranium" completed in depth reports of the home and surrounding land and inspected the drain to the rear of the property. The reports determined "weapons grade"& reactor grade "plutonium and uranium".
11. The responsibility of member states subject to the Treaty:  
Article 3 - for the purposes set out in Article 2, the activities of the community shall include:

3

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Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

4

- (l) a policy in the sphere of the environment.
- (p) a contribution to the attainment of a high level of health protection.

12. The European Court of Justice has jurisdiction in disputes relating to compensation based on the Community's non-contractual liability Article 178 of the Treaty. Under Article 215(2) of the Treaty, the Community must, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

**NUCLEAR LEGISLATION IN OECD COUNTRIES -**

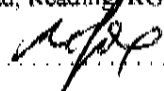
**Regulatory and Institutional Framework for Nuclear Activities within the UK**

- (a). The basic legislation on nuclear third party liability in the UK is contained in the Nuclear Installations Act 1965 (NIA1965), which implements provisions of the 1960 Convention on Third Party Liability in the Field of Nuclear Energy ratified by the UK on the 23 February 1966 and the Brussels Convention Supplementary to the Paris Convention, ratified on the 24 March 1966, and.
- (b). The NIA1965 [section 18] was amended by the Energy Act 1983 (EA1983). Part II of the EA1983 [section 28] to increase the total amount of funds available to meet claims for nuclear damage and the amounts agreed may be increased to SDRs £300million. The amount may be increased by order with approval of the Treasury [section 18(1B)], and.
- (c). The NIA1965 as amended [section 7] – nuclear site licenses are under an absolute duty, and are liable for breach of this duty, to ensure that no occurrences involving nuclear matter on their sites cause personal injury or damage to property and are under a similar duty as regards ionising radiation emitted on their sites, and.
- (d). The same duty lies upon the UKAEA and the Crown [Section 8 and 9]. This duty on the UKAEA applies whether or not a nuclear site licence has been granted in respect of the site [S.I. 1990, No. 1918]. Moreover, the Congenital Disabilities (Civil Liability) Act 1976 [sections 3 and 4] provides that if a child is born disabled as the result of an injury to either parent caused by a breach of such a duty, the child's disabilities are to be regarded for the purposes of the NIA1965 as injuries caused on the same occasion as those caused to the parent, and.
- (e). The NIA1965 [section 19] was also amended by the Atomic Energy Act 1989 [section 4(1)] to modify the definition of "cover period" so as to prevent the grant of a new nuclear site licence from bringing the cover period to an end where the new licence is in effect, a continuation of the old licence with amendments [section 19(2B) of the NIA1965]. This is relevant to a nuclear operator's obligation to provide insurance cover not only for the current period but also for any cover period, which ended in the last ten years, and.
- (f). Subsequent to nuclear legislation introduced in the UK with the Atomic Energy Act 1946 [section 1]. Responsibility for the development and control of nuclear activities was originally entrusted to the Minister for Supply and further detailed in the Radioactive Substances Act 1948, with provision made for the appropriate minister to make regulations to prevent injury to health from ionising radiations and to secure the safe disposal of radioactive waste, and.
- (g). The Industrial Injuries Advisory Council, a statutory body since 1948 and under sch. 6 of the Social Security Administration Act 1962 was to advise and make aware preparations to the Minister of Health regarding medical treatment required by the

4

Mr R.J.Fox, Grnd. Floor Flat,  
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Signature .....



Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

5

Nuclear Industry to cover the eventuality of any nuclear escape effecting the workforce and to sustain specialist medical treatment centre's to which Mr Fox has been denied.

## MINISTERIAL RESPONSIBILITY ON ENVIRONMENTAL ISSUES

12. Within the UK, it is conferred by legislation affecting the consumer to environmental issues by (i) the Secretary of State for the Environment, Food and Rural Affairs (DEFRA) as responsibility for the policy on European Community environmental issues by/and with its departments Health and Safety (HS) (ii) the Foreign and Commonwealth Secretary is responsible for overall UK policy towards the European Community to the Treaties. The legality of the decisions of the above ministers are subject to s.2(2) of the European Communities Act 1972 (c.61) by their actions knowingly in causing injury and damage to consumers by permitting pollution of the environment in the air, land, sea, rivers without applying sanctions against polluters and equity for injury and damage to property.

(a) Section 2 (2) of the European Communities Act 1972 (c.61) (ECA1972)

(2) Subject to Schedule 2 to this Act, at any time after it's passing Her Majesty may by Order in Council, and any designated Minister or department may by regulations, make provision-

(a) for the purpose of implementing any Community obligation of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised; or

(b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the objects of the Communities and to any such obligation or rights as aforesaid.

In this subsection "designated Minister or department" means such Minister of the Crown or government department as may from time to time be designated by Order in Council in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council.

### Section 4 - of the ECA1972

- (2) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of Community obligations and of the provision made by this Act in relation thereto or are not compatible with Community obligations) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.

5

Mr.R.J.Fox. Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature 

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

6

13. Mr Fox as a client, was informed by correspondence by a forensic lawyer Mr Derik Willmott, and other clients that included 30 children and parents in the Earley area and scientist/physicist Dr David Greenwood and suppliers that visited/worked in the Earley, Shell/BP depot affirmed that there is an installation of a centrifuge being (i) a Watson Graphite Moderated Reactor, (ii) a Neutron Generator, (iii) a Hot Room used for storing Uranium & Plutonium including Cesium & Cobalt 60, used for production of weapons for nuclear triggers and for use in medicine for medical applications (iv) a Paralysing Furnace. The installation included living accommodation with catering facilities for employees and visiting scientists and testing facilities. Upon the above, coke was delivered by rail to the Earley Shell/BP depot, the ingredient in the production of graphite, it is said, for peaceful and weapons grade material and after processing transported the product to the Shell facility at Thornton, UK, then shipped to the USA as Health & Safety and Customs Excise records would confirm for graphite nuclear reactors. Aerial photographs affirm the railway siding and tributary.
- a) The above installation of the centrifuge had to be cooled using a continuous supply of water taken by a spur tributary from the nearby South Lake. Woodley Subsequently contaminated waste was discharged through the undetected leaking surface water drain to the rear of the Fox home by an "illegal" hidden connection dispersing into the River Lodden. Installed by Wokingham District Council the local Authority
  - b) The above Shell/BP facility also manufactured and was a main distribution/supplier of 'Appision' special high vacuum oils utilized for mass spectrometers and electron microscopes used at the facility and at sites across the UK and the EU supplying Ministry Defence Labs., University Labs., Hospitals and Medical Labs.
14. Mr Fox required respective disclosure of documents and inspection that were in the possession, custody or power of Shell, DEFRA, H&S Executive and HS Commission (HSC), Wokingham District Council (WDC), UKAEA & Constabulary, IAEA, and National Health (NH) of the above facility being liable for personal injury and distress under s.32 Administration of Justice Act 1970 and Article 255 of the Treaty that would include:-
- (i) a copy of the operating licence for Shell to operate the nuclear site required under Radioactive Substances Act 1960 and the Nuclear Installations Act 1965 upon correspondence of Michael Meacher MP & John Redwood MP and Lord Whity
  - (ii) respective import/export licences of the nuclear graphite material, and Appision oils, and;
  - (iii) H&S and HSC documents/licences for discharging "illegal contaminated nuclear waste" and for transporting and shipping graphite, and.
  - (iv) the documentation required under of the Treaty by regulations in failing to protecting of workers, public persons and minors causing injury.
  - (v) the legislative grounds in denying medical attention and recognition for social security payments to the Fox family upon and subject to Article 3 (p) of the Treaty.
  - (vi) what special conditions were imposed on the Shell on the issuing of the licence.
  - (vii) what conditions and/or sanctions were imposed after the breaches of contamination in 1973 and after 3 - fires at Earley affirmed by the HSC and the MP Eric Morley and Michael Meacher MP.

6

Mr.R.J.Fox. Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature 

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

7

- (viii) copies of all relevant information of the UKAEA and Shell regarding the suspect quality of special petroleum coke processed in manufacturing graphite for Nuclear Power used in UK and USA, and.
- (ix) it is by correspondence of the European Commissioner Mr P.De Groote regarding the European Atomic Community referring to Article 105 of the Treaty. The letters refer to the existence of agreements between associated British companies concerning the delivery of certain quantities of special petroleum coke manufactured by one of the affiliated companies. Mr Fox from the above affirms that the EU Commission were aware of the subterranean nuclear facility of Shell/BP at Earley and believes, that European funds were utilised in building the facility to an operators licence Formica Ltd No.RW/RAM/1178 and to which the Commission would confirm upon the requirement to supply relevant information subject to Article 255 of the Treaty.
15. Subject to the above, Mr Fox refers a requirement for immediate injunctive relief under Directive 98/27/EC for the failure of the UK to protect his family and their interests to the President of the EU Parliament Hans-Gert Poettering to a claim in tort (delict) under Article 5(3) of the Brussels Convention. The decision of the Commissioners to the infringement for the instigation of proceedings subject to the 'seizure of the ECJ' by the EU Commissioners has not been forthcoming or for all relevant information regarding the Addendum subject to Article 255 of the Treaty.
16. The denial of the UK Courts acting in a malicious manner imposing unlawful restrictions to a remedy in the High Court for environmental personal injury and damage to property and to the possible loss of liberty to a 'person aggrieved' was contrary to the direct effect of the UK Treaty obligations. The UKAEA subject to s.8 NIA1965 on failing to supply documents in an action for personal injury now being subject to s.32 of Administration of Justice Act 1970, regarding the subterranean nuclear facility in Earley imposed an unlawful stay of the proceedings where by EU Treaty Directive the polluter should pay.
17. Mr Fox informs the Commission that the Hon. Barbara Thomas (Lady Judge) is Chair of the UKAEA and upon associated H&S offices is/was well placed we believe, to act oppressively against Mr Fox and others within similar injury claims. The UKAEA are obligated to instigate measures defaulted in decommissioning nuclear facilities according to the EU Treaty regulations. The Hon. Lady Judge is also Chair of Private Equity Investor, Chair of the Professional Standards Advisory Board and of the Chair of the Financial Reporting Council (where she is also a member of the Nominations, Remuneration, and Audit Committees), and Deputy Chairman of Friends of the Provident. In addition the Lady Judge is a director of BT Consulting and Dynamic Solutions Group Venture Capital and a non-executive director of PA Consulting Group, Quintain Estates and Development and Quintain Services, Hardy Underwriting Group, Private Equity International, Portmeirion Group, Victory Corporation, and Planet Group. Also she is a non-executive member of the Department of Constitutional Affairs and an independent member of the Performance Monitoring Committee of the Department of Trade and Industry and is an adviser to Hill & Associates, Millennium Associates, Cross Border Enterprises, and London Capital Club.

7

Mr.R.J.Fox, Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature  .....



Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

9

23. This Addendum, by Mr Fox to the President to the European Parliament on environmental issues relates to an individual complaint, a matter which comes within the community's fields of activity which affects his wife, four children and Fox Builders Ltd directly, as well as being a matter of 'general public concern' and of 'public interest' and the denial of the effectiveness of EU environmental legislation to protect all EU citizens against 'ionising radiations' as to liability.
24. The addendum falls within the sphere of European Union activities, the principles and objectives of the European Union to ensure that the laws adopted by Member States to supervise and regulate all environmental issues be adequate and effective to the Treaty.
25. The objectives being imperative reasons to impose the mandatory rules and regulations to save life from man made substances inflicting harm and injury by UK legislation but denying medical services under the National Assistance Act 1948, the National Health Act 1944 and to Health Services and the Community Care Act 1990 including the amendment by the National Health Act 1996 implementing Primary Care Trusts for (i) in the interest of the general good, (ii) protection of the recipient of services, (iii) consumer protection, (iv) preservation of the good reputation of the national health service (v) prevention of fraud, and (vi) the protection of the proper administration of justice. It is imperative that Member States ensure under Article 3(p) of the Treaty a contribution to the attainment of a high level of health protection is afforded to all UK/EU citizens.
26. One of the critical aspects of the 'Aarhus' Convention to which the UK government is a signatory Article 9(3) requires signatory states to ensure that there is public access to administrative or judicial procedures to challenge acts or omissions by private persons or public authorities contravening national environmental law. The principle of *actio popularis* whereby anyone can sue the government when it acts unlawfully, regardless whether they have standing in a strict sense, is said to be consistent with Article 9. (The Coalition for access to justice for the Environmental briefings 2004), is the need to provide a fair review process, Article 9(4) provides;
- (l) the procedures referred to in [Art. 9] shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. The decisions of courts, and whenever possible of other bodies, shall be publicly accessible.
27. Mr Fox submits this Addendum in conjunction with the Complaint P 2001/4466 dated 2001. The Addendum includes amendments of further material evidence that the continual Nuclear Regulatory process by the UK respective agencies to protect, monitor and control against nuclear induced illness have acted by conduct specifically intended to injure a person or persons and instrumental in causing the death of UK citizens to evade liability. The respective agencies had a duty to protect members of the public pursuant to the Ionising Radiation Regulations 1999 amending the 1990 regulations, European Directives and the Nuclear Installations Act 1965.
28. Mr Fox refers to the News Release dated the 15/12/2004:

9

Mr.R.J.Fox. Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature . . . . . 

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

10

"UK faces legal action for failure to implement Euratom health and safety provisions against 'ionising radiation'.

The European Commission has decided to send a reasoned opinion to the United Kingdom for failing to apply a requirement under specific provisions of the Euratom treaty concerning intervention and remedial action for the after effects of past radioactive contamination.

A citizen's complaint drew the attention of the commission to the compliance of UK legislation with Article 53 of the Euratom Basic Safety Standards Directive 96/29/Euratom which provides for action by the Member States in situations of lasting exposure to ionising radiation. According to the Directive, such situations require "intervention" by the competent national authorities to prevent or decrease the exposure of individuals to radiation.

Current UK legislation implementing the provision of the Directive regarding intervention only allow for remedial action to be taken in case of redevelopment or disposal of radioactive waste. There is no regime to remedy other circumstances of past radioactive waste. The adoption of national registration to fill this gap has been delayed. The Commission has therefore decided to open infringement proceedings against the UK. A letter giving the Commission's reasoned opinion on the case will be sent and the UK will have an opportunity to correct the situation before a formal reference to the European Court of Justice".

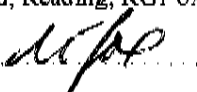
**Signatory of the UK to respective Treaties and organisations in regards to the use of Nuclear Energy and its liabilities to its citizens and European Member States.**

29. Mr Fox was not afforded the opportunity by legal funded representation or otherwise to institute proceedings or obtain information regarding *prime-facie* Environmental issues that harmed his children, himself and damaged his home.
- (i) the Paris Convention on Third Party Liability in the Field of Nuclear Energy – referred as the "Paris Convention" which was adopted on the 29 July 1960 under the auspices of the European Nuclear Energy Agency (which later became the Nuclear Energy Agency – NEA) of the organisation for European Economic Co-operation (now the Organisation for Economic Co-operation for Development – OECD).
- (ii) the Vienna Convention on Civil Liability for Nuclear Damage – referred to as the "Vienna Convention" was adopted on the 21 May 1963 under the auspices of the International Atomic Energy Agency (IAEA).
- (iii) the UK is acutely aware/conscious by meetings, we are led to believe of the governing bodies in monitoring developments in relation to both Conventions to the harm that has resulted to its subjects and the environment from many nuclear incidents/accidents disasters but deny subjective injury decisions to the detriment of injured parties.
- (iv) the Brussels Convention refers to the 1963 Brussels Convention as amended by the Additional Protocol of 28 January 1964 and by the Protocol of 16 November 1982. The Brussels Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgements in Civil and Commercial Matters.

10

Mr.R.J.Fox, Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature .....



Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

11

**Details of Pleadings regarding the Fox family**

30. The pleadings referring to the Fox family;  
Mr Raymond James Fox, was together with his wife, Mrs Susan Fox the owners and occupiers of a house mortgaged by Scott-Life Homes No. 2 Ltd a subsidiary to Bradford and Bingley Bank PLC as their residential home at 337 Wokingham Road, Earley, Reading, Berkshire, RG6 7EB, (the Property) and were since October 1988. When purchasing the property they were not afforded all registry documents regarding other properties in the area being a danger to health and safety by the Shell subterranean nuclear facility by Wokingham District Council or the Land Registry.
31. It was by personal injury and damage by Nuclear Contamination by 'ionising radiations' that the family were advised to evacuate the Property upon the failings of the government agencies to protect the public against nuclear induced illness.
32. Mr Fox and his wife enjoyed living at the property with there four children including two adopted children from the death of a friend and his wife. by nuclear illness
33. Mrs Fox with the adopted children Emma and Christopher upon the advice evacuated the property in 2001 therefore being 'homeless'. The local authorities WDC denied that there was any contamination whereupon by a malicious intent advised Mrs Fox to divorce Mr Fox with the aid of solicitors The Head Partnership at Earley. The splitting of the family caused emotional distress and trauma without the opportunity in keeping the family together under the National Health and Communities Act 1990.
34. Mr Fox was unable to work owing to his continuous nuclear induced illness to keep the family in the custom they were used to by the company Fox Builders Ltd which was placed into administration by a fraudulent administrator seeking to gain all the equity of the company for personal use. False unsubstantiated allegations were made against Mr Fox by a building supply company an associate company to St Gobain a French Nuclear industry licensee personally resulting in his bankruptcy. The trustee unlawfully failed to seek all available proceeds in his equity taken by the liquidator.
- 35.
- 1.1. The First Daughter Emma of Mr and Mrs Fox lived with her parents in the Property until 1993 visiting regularly.
  - 1.2. The Second Daughter Annie of Mr and Mrs Fox lived with her parents in the Property until 1995 visiting regularly.
  - 1.3. The First adopted Daughter (formerly Emma Davies) of Mr and Mrs Fox and lived with Mrs Fox in the Property until forced to vacate in 2001.
  - 1.4. The First adopted Son (formerly Christopher Davies) of Mr and Mrs Fox and lived with Mrs Fox in the Property until forced to vacate in 2001.
  - 1.5. And further the death of the grandson, the son of Annie who visited and occasionally stayed with Mr and Mrs Fox at the Property.
  - 1.6. Mr Fox is 56 years old - date of birth 31/07/1950, Mrs Fox is 53 years old - date of birth 20/05/1954, Ms Emma Fox is 34years old - date of birth 17/05/1973, Ms Annie Fox is 32years old - date of birth 23/02/1975, adopted Ms Emma Fox is 22 years old - date of birth 17/05/1985, Mr Christopher Fox, is 20 years old - date

11

Mr.R.J.Fox, Grnd. Floor Flat,  
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Signature . . .  . . .

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

12

of birth 1/07/1987. Mr Fox and his family were prior to the events set out below, of good health. The grandson was the son to Ms Annie who died owing to injuries sustained by the mother.

36. At all material times the Fox family lived at 337 Wokingham Road, Earley, Reading, Berkshire, RG6 7EB, (the Property) adjacent to the subterranean nuclear facility of Shell/BP.
37. The polluter Royal Dutch Shell Oil UK and BP Petroleum Oil, prior to de-nationalisation, were a radiation employer undertaking work with radioactive substances within the meaning of the Radioactive Substances Act 1960 (RSA1960) under a Nuclear Licence as an agent for/of Formica Ltd No.RW/RAM/1178 and were vicariously liable.
38. Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from 'ionising radiation' include Directives 76/579/Euratom 79/343/Euratom; 80/836/Euratom; Directive 84/467/Euratom having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 to 33 of the Treaty, thereof.
39. And as to Directives; 62/4/Euratom; 66/45/Euratom - Whereas in order to perform its task the Community laid down basic standards for the first time in 1959 pursuant to Article 291 was 218 of the Treaty, thereof.
40. In the UK the Health and Safety at Work Act 1974 (HSWA1974) places a general duty on employers to ensure, so far as reasonably practicable, that no harm comes to workers or members of the public from their undertakings. This duty extends, *inter alla*, to the provisions and maintenance of plant and systems of work, the use, handling, storage and transport of articles and substances and the provision of information.
41. Of particular importance are the Ionising Radiation Regulations 1985 (IRR1985), as amended in 1999 which lay down the safety requirements in regard to all work with ionising radiations. They require that doses received from this work, both by radiation workers and by other persons, should be kept as low as reasonably practicable.
42. On various dates a series of radiation accidents occurred when large quantities of contaminated water used in the holding or storage of plutonium escaped from a storage tank into the neighbouring surface water/foul drainage system via the Fox Property effecting the neighbouring properties and the River Lodden in the following years (i) 1976 (ii) 1983 (iii) 1992, 1995 & 1997, culminating in the personal injury to Mr Fox and his family and their Property.
  - (a) In 1992 a flooding in the Earley area flooded Fox property and garden where he released the excess flood water by lifting the surface water manhole.
  - (b) In 1997 an overflow of sewage escaping into the Fox garden and Property it was necessary to lift the man-hole to the rear of the garden to which Mr Fox, his family and pet animals became in direct contact with the radioactive substance

12

Mr.R.J.Fox, Grnd. Floor Flat,  
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Signature . . . . .  . . . . .

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

13

via an 'unlawful connection', connecting to the Property, which further contaminated his daughters and unborn grandson who died.

(c)The above contamination killed all growth of trees and shrubs in the garden to the property.

43. Under the RSA1960 the Shell could only dispose of radioactive waste to water, land and air under the terms of the authorization granted by the authorizing bodies. These bodies are, in England and Wales, HM Inspectorate of Pollution (HMIP, part of DoE) and the Ministry of Agriculture Fisheries and Food (MAFF). The authorizations state conditions applying to the disposal, and usually require operators to use best practicable means to limit the radioactive content of disposals. UKAEA licensed sites not licensed under the Nuclear Installations Act 1965 (NIA1965) which use radioactive substances on site are required to register that use.
44. The RSA1960 came into effect on December 1, 1963 requires persons who keep and use radioactive material to be registered with the Ministry of Housing and Local Government, and to obtain authorisation for the accumulation and/or disposal of radioactive waste.
45. Shell/BP International operated a subterranean nuclear facility from the Shell Depot at Earley Rise, Wokingham Road, Earley, Reading, Berkshire, was joint and severally owner with British Petroleum UK Oil (BP) upto de-nationalisation and occupied as an operator.
46. The Industrial Injuries Advisory Council, a statutory body since 1948 and under sch. 6 of the Social Security Administration Act 1962 was to advise and make aware preparations to the Minister of Health regarding medical treatment required by the Nuclear Industry to cover the eventuality of any nuclear escape effecting the workforce and to sustain specialist medical treatment centre's.
47. The said accidents were caused or contributed to by the negligence and/or breach of there statutory duty and/or there duty of care of the Fox family and others, their employees or agents acting in the course of there employment.

### Summary

49. We claim within Article 235 of the Treaty – The Court of Justice shall have jurisdiction in disputes relating to compensation for damage provided for in Article 288.
50. We allege that case law established in *Köbler v Republik Österreich (Case C-224/01)* which shows that there are three conditions for liability were breached by the UK Government and the court of last instance.
51. We submit upon the above details that despite all the community legislation that is there to protect all EU citizens/consumers for redress is not simple, particularly when the judiciary goes out of its way to protect polluters affecting the public.

13

Mr.R.J.Fox, Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature . . .  . . .

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

14

52. Mr Fox alleges that as a direct result of the criminal activities of Shell they have suffered financial ruin.
53. It is upon the evidence of Mr Fox that state law and its institutions have consistently ignored their plight and redress made difficult.
54. The court of last instance conspired with the UKAEA by providing Shell with immunity.
55. As a result of the evidence and its presentation to respective statutory bodies Mr Fox was denied justice and any form of redress in the national courts.
56. The Statutory Authorities that were entrusted such as DEFRA, H&S and Commission, UKAEA, DTI, HO and Works & Pensions have all systematically and persistently denied to investigate to personal injury.
57. The Courts that should have been the final arbitrators of UK and EU legislation have knowingly and deliberately misled and diverted the basis of the arguments put forward in seeking a remedy.

**REMEDY SOUGHT to an equitable remedy**

58. Return of the monies and properties to the Fox family and business Fox Builders Ltd that were illegally taken with appropriate interest rates attached.
59. Compensation for the loss of quality of life pain & suffering to the Fox family due to obstruction of proper medical by the UK NHS
60. Compensation of the losses suffered by Fox Builders Ltd company and its directors with pro-rotta pecuniary damages awarded for each year.
61. Pecuniary award for loss of family life by being rendered homeless unable to enjoy their family property.
62. Annulment of bankruptcy orders that were fraudulently obtained against Mr Fox by Shell and or associated companies. to obstruct him bringing actions in the UK courts
63. The mandatory mechanism of legislation in place to the EC Treaty so that no other UK and EU citizen has to suffer as to the injuries sustained.& obstruction of state benefits & medical care & intimidation /threats by government agencies .

14

Mr.R.J.Fox. Gmd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature ...  ...

Addendum to Complaint No.2001/4466  
Mr Raymond James Fox

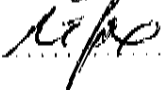
15

APENDIX

Appendix List	Description	Pages
Appendix. 1.	Decision of the Commission to the infringement decision against the UK	1 to 3

15

Mr.R.J.Fox, Grnd. Floor Flat,  
15 Field Road, Reading, RG1 6AP

Signature ..... 



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

DIRECTORATE H - Nuclear Energy  
Euratom coordination, International relations  
Head of Unit

09 AUG 2005

Luxembourg,  
TREN-H1/FS/jl D(2005) 117493

Mr Raymond Fox  
Ground Floor Flat  
15 Field Road  
UK-Reading RG 1 6AP  
E-mail:  
raymond.fox2@ntlworld.com

Objet: **Your complaint 2001/4456/UK-Information on the infringement procedure**

Dear Mr Fox,

With regard to the infringement procedure opened following your complaint, I am pleased to inform you that the Commission has decided, on 5.7.2005, to seize the Court of Justice with the case, for failure to implement Article 53 of the Basic Safety Standards Directive 96/29/Euratom.

You can find the relevant decision on the Commission's Secretariat general website:

[http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/decisions/dec\\_05\\_07\\_05.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/decisions/dec_05_07_05.htm)

Yours sincerely,

Massimo Garibba  
p.o. Blanca Andres Ordax



11/11/2008 11:30

L0045 32 2 2849104

IP/04/1497

Brussels, 16 December 2004

## **UK faces legal action for failure to implement Euratom health and safety provisions against ionising radiation**

*The European Commission has decided to send a reasoned opinion to the United Kingdom for failing to apply a requirement under specific provisions of the Euratom treaty concerning intervention and remedial action for the after-effects of past radioactive contamination.*

A citizen's complaint drew the attention of the Commission to the non compliance of UK legislation with Article 53 of the Euratom Basic Safety Standards Directive<sup>1</sup> which provides for action by the Member States in situations of lasting exposure to ionising radiation. According to the Directive, such situations require "intervention" by the competent national authorities to prevent or decrease the exposure of individuals to radiation.

Current UK legislation implementing the provision of the Directive regarding intervention only allow for remedial action to be taken in case of redevelopment or disposal of radioactive waste. There is no regime to remedy other circumstances of past radioactive contamination. The adoption of national legislation to fill this gap has been delayed. The Commission has therefore decided to open infringement proceedings against the UK. A letter giving the Commission's reasoned opinion on the case will be sent and the UK will have an opportunity to correct the situation before a formal reference to the European Court of Justice.

<sup>1</sup> 96/29/Euratom



ΕΒΡΟΠΕΪΣΚΙ ΠΑΡΛΑΜΕΝΤ ΠΑΡΛΑΜΕΝΤΟ ΕΥΡΟΠΕΟ ΕΥΡΟΠΣΚΪ ΠΑΡΛΑΜΕΝΤ ΕΥΡΟΠΑ-ΠΑΡΛΑΜΕΝΤΕΤ  
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 EUROPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

Committee on Petitions  
 The Secretariat

Brussels,  
 KLC/jg[02COM.PETI(2008)D/50570]

Mr Raymond James Fox  
 Ground Floor Flat  
 15 Field Road  
 Reading / Berkshire RG1 6AP

United Kingdom

313931 21.08.2008

Subject: Petition Nr. 0820/2007 (*reference to be quoted in all correspondence*)

Dear Mr Fox,

I hereby acknowledge receipt of your faxes to Mr Pizanis and the supplementary information included. It has been transmitted to the responsible service in the European Commission, which is currently investigating the subject of your petition.

Please excuse the late acknowledgement, which is due to changes in our staffing structure.

You will of course be kept informed of any further action taken on your petition in due course.

Yours sincerely,

Karen Lone Chioti